

Gregory M. Fox, State Bar No. 070876  
BERTRAND, FOX & ELLIOT  
The Waterfront Building  
2749 Hyde Street  
San Francisco, California 94109  
Telephone: (415) 353-0999  
Facsimile: (415) 353-0990

Attorneys for Defendants  
CITY OF FREMONT and JEREMY MISKELLA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JENNA HALL,	)	Case No.: CV09-1629 JL
	)	
Plaintiff,	)	
vs.	)	STIPULATION AND <del>PROPOSED</del> ORDER
	)	
CITY OF FREMONT; JEREMY MISKELLA;	)	
and DOES 1 through 50,	)	
	)	
Defendants.	)	
	)	
	)	
	)	

It is hereby stipulated by and between the parties, plaintiff JENNA HALL and defendants CITY OF FREMONT and JEREMY MISKELLA, by and through their attorneys of record, that plaintiff will and hereby does dismiss with prejudice her first cause of action for Violation of Constitutional Rights Under 42 U.S.C. § 1983 against the City of Fremont and that paragraphs 22, 23 and 24 of the amended complaint be deleted from this pleading. The City of Fremont will and hereby does withdraw its motion to dismiss as to plaintiff's first cause of action for violation of constitutional rights under Section 1983 as to the first cause of action of plaintiff's first amended complaint against the City of Fremont. Each side to bear their own fees and costs as to this matter.

Dated: September 10, 2009

\_\_\_\_\_/ s /\_\_\_\_\_  
Brad C. Brereton, Counsel for Plaintiff

1  
2 Dated: September 9, 2009

\_\_\_\_\_/ s /\_\_\_\_\_  
Gregory M. Fox  
Counsel for Defendants, CITY OF FREMONT  
and JEREMY MISKELLA


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4  
5 **ORDER**

6  
7 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED THAT:

8 Plaintiff's first cause of action for Violation of Constitutional Rights Under 42 U.S.C. § 1983  
9 against the City of Fremont is hereby dismissed with prejudice and that paragraphs 22, 23 and 24 of  
10 the amended complaint are deleted from this pleading.

11 IT IS FURTHER ORDERED THAT the City of Fremont's motion to dismiss as to plaintiff's  
12 first cause of action for violation of constitutional rights under Section 1983 naming the City of  
13 Fremont and only the City of Fremont is hereby withdrawn. Each side to bear their own fees and  
14 costs.

15  
16 Dated: September 15, 2009

  
\_\_\_\_\_  
JAMES LARSON  
Chief Magistrate Judge of the  
United States District Court

17  
18  
19 **ATTORNEY ATTESTATION**

20 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
21 "conformed" signature (/s/) within this E-filed document.

22 Dated: September 10, 2009

23  
24 By: \_\_\_\_\_/ s /\_\_\_\_\_  
Gregory M. Fox